

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

GERALD CAMMACK, JR. PLAINTIFF  
VS. CIVIL ACTION NO. 5:23-cv-35-DCB-BWR  
JAMES BRUMFIELD, et al. DEFENDANTS

ORDER ADOPTING REPORT & RECOMMENDATION

This MATTER is before the Court on Magistrate Judge Rath's Report and Recommendation ("Report") (ECF No. 33). The Report was entered on March 15, 2024, and objections to it were due by March 19, 2024. No party has filed an objection, and the time to do so has elapsed.

Judge Rath recommends that the matter be dismissed without prejudice for Gerald Cammack ("Plaintiff")'s failure to comply with the Court's orders and failure to prosecute this action. Judge Rath cites Plaintiff's failure to comply with Court orders that directed Plaintiff to keep the Court informed of his current address. See, e.g., [ECF No. 3] at 2; [ECF No. 5] at 2; [ECF No. 6] at 2-3; [ECF No. 8] at 2-3; [ECF No. 16] at 3; [ECF No. 18] at 1. Each previous Order entered also warned Plaintiff that the matter may be dismissed if he fails to comply with Court orders. Id.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Where there are no objections, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review to the Report. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

After conducting a de novo review of the Report, the Court agrees with Judge Rath's recommendation. Accordingly, the Report is ADOPTED and Plaintiff's Complaint is hereby DISMISSED WITHOUT PREJUDICE.

A Final Judgment shall be entered of even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this 3rd day of April, 2024.

/s/ David Bramlette  
DAVID C. BRAMLETTE  
UNITED STATES DISTRICT JUDGE